

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7160 of 2016

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1. Md. Irshad, Son of Late Md Shamsuddin, Resident of Village- Dakra, P.S.- Makhdoompur, District- Jehanabad, at present Residing at Road No 16, Mohalla- Aliganj, Gaya, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gaya.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The Superintendent of Police, Gaya.
4. The Vice Chancellor, Magadh University, M.U. Bodh Gaya, District- Gaya.
5. Magadh University through the Registrar, M.U. Bodh Gaya, District- Gaya.
6. Sub Divisional Magistrate, Gaya Sadar, Gaya.
7. The Chairman, Mirza Ghalib College Council, Aziz Ahmad Muniri Council Office, Mirza Ghalib College, Gaya.
8. The Secertary, Governing Body, Mirza Ghalib College, Gaya namely Syed Qaiser Sharfuddin, Residing at Noor Compound, Civil Lines Gaya, P.S. Civil Lines, District- Gaya.
9. The Principal, Mirza Ghalib College, Gaya.
10. Md. Shafiqur Rahman, Son of Late Mojibur Rahman, Convenor, Counselors, Mirza Ghalib College, Road No.3, White House Compound, Rampur Gaya, P.S.- Rampur, District and Town- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.B.Ojha, Sr. Advocate
With Mr. Priyadarshi Matri Sharan

For the Respondent/s : Mr. Jay Prakash Sharsam, AC to GP-21

For the University : Mr. Ritesh Kumar, Advocate

For the Secretary : Mr. Rashid Izhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-08-2017 The petitioner appears to be the member of the Council of Mirza Ghalib College, Gaya, which is a minority Institution affiliated to Magadh University, Bodh Gaya.

2. This application has been filed seeking direction to conduct election of the Governing Body of the College as contemplated under Rule 9(a) of the Rules and Regulations of



Mirza Ghalib College, Gaya (hereinafter referred to as the Rules and Regulations).

3. Rule 9 contemplates constitution of a Governing Body for a term of four years. Constitution of Governing Body has been prescribed in Rule 9(a) of the said Rules and Regulations.

4. I need not go into those aspects for the present.

5. In view of the stand taken on behalf of the parties that in the year 2014, an election was held and the term of the Governing Body shall expire only after completion of four years as contemplated under Rule 9(a) of the Rules and Regulations, the Court does not find any reason as to why election shall not be held once term of the Governing Body expires by operation of Rule 9(a) of the Rules and Regulations. No mandamus is required to be issued for the present.

6. I have not gone into the question as to whether any mandamus can be issued at all for the purpose as indicated in the present writ application. Consequence of not holding the election shall follow, naturally and in such circumstance, the Magadh University, Bodh Gaya will be required to take a call on the question of administration of affairs of the College.

7. This application stands disposed of, with the observation as above.

ArunKumar/-

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(Chakradhari Sharan Singh, J)

